

REMARKS

Claim 34 has been amended for clarity and to better distinguish the claimed invention from the prior art. Support for this amendment is found, for example, in FIG. 4A and at page 4, lines 10-11. No new matter has been added.

In response to the Examiner's objection to claim 43 for lack of clarity, claim 43 is directly dependent upon independent claim 34 which states that the facia retainer is for "holding the front facia in position in the support surround." However, claim 34 clearly does not require a direct connection between the front facia and the support surround as suggested by the Examiner. This distinction is illustrated by claim 42, which is dependent upon independent claim 34, and which requires the front facia to be directly retained by the facia retainer to the support surround. Thus, while claim 34 does require that the facia retainer be used to connect the front facia to the support surround, it does not preclude the presence of an intermediate member between the front facia and the support surround, wherein the purpose of the facia retainer still meets the requirement that it is for holding the front facia in position relative to the support surround. Accordingly, and in view of the doctrine of claim differentiation, the objection is believed to be in error.

Turning to the art rejections and considering first the rejection of claims 34-42 under 35 U.S.C. § 103(a) as being obvious over Caluori (U.S. Patent No. 5,609,414) in view of Houplain (U.S. Patent 4,763,231), claim 34 has been amended to require, in part, "the front side of the facia being flush with a front surface of the support surround when in an installed position." Neither Caluori nor Houplain can be said to teach this feature, either explicitly or implicitly. Caluori is cited for teaching a light fitting with a front facia and a support surround. The Examiner admits Caluori fails to teach a lamp being resiliently biased toward the rear side of

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

the front facia, as required by claim 34. Moreover, Caluori teaches a front facia that completely covers the foremost face of the support surround, and therefore cannot fulfill the claim requirement of "the front side of the facia being flush with a front surface of the support surround when in an installed position."

Similarly Houplain teaches a front facia with a rim that completely covers the front face of the receptacle, which the Examiner equates to a support surround. Houplain further teaches that the rim is used to pull the support, which the Examiner equates to a front facia, from the receptacle. Therefore, modifying the front facia of Houplain to meet the requirements of amended claim 34 would render the front facia of Houplain unsuitable for its intended purpose. Thus, no combination of Caluori and Houplain can render obvious amended claim 34, or any of the claims that depend thereon.

Turning to the rejection of claims 43-48 under 35 U.S.C. 103(a) as being obvious over Caluori in view of Houplain, and further in view of Zadeh (U.S. Patent No. 5,548,499), each of claims 43-48 ultimately depend on claim 34. The deficiencies of the combination of Caluori and Houplain vis-à-vis claim 34 are discussed above. Zadeh does not overcome these deficiencies. The Examiner cites Zadeh for teaching a light fitting wherein a front facia is attached to an intermediate member by a facia retainer. Even assuming *arguendo* that Zadeh teaches this feature as the Examiner suggests, Zadeh exhibits a similar deficiency to the previously cited references in that the front facia completely covers the front surface of the support surround, precluding the reference from teaching the claim requirement of "the front side of the facia being flush with a front surface of the support surround when in an installed position." Thus, no combination of Zadeh with Caluori and Houplain can render obvious claim 34 or any of claims 43-48 that ultimately depend thereon.

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

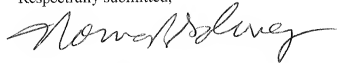
175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

The \$130.00 extension fee is being submitted via efs-web.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on April 23, 2009

By: Kim Hood

NPS:RAM:sb:ru

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567